

Approved:


BEN ARAD

Assistant United States Attorney

Before: THE HONORABLE JUDITH C. McCARTHY
United States Magistrate Judge
Southern District of New York

- - - - - x **23 MJ 2376**
 :
 SEALED COMPLAINT
 :
UNITED STATES OF AMERICA :
 : Violations of
 : 18 U.S.C. §§ 1951 and
- v. - : 924(c)
 :
GIANCARLO GARCIA, :
 : COUNTIES OF OFFENSE:
 : DUTCHESS, ORANGE
 :
 :
Defendant. :
 :
 :
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

JEFFREY G. BLANCHARD, JR., being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation and charges as follows:

COUNT ONE
(Hobbs Act Robbery)

1. On or about March 18, 2023, in the Southern District of New York and elsewhere, GIANCARLO GARCIA, the defendant, knowingly committed robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, GARCIA robbed a convenience store at a Shell gas station in the Town of Poughkeepsie, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO

(Firearms Offense)

2. On or about March 18, 2023, in the Southern District of New York and elsewhere, GIANCARLO GARCIA, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count One of this Complaint, knowingly used and carried a firearm, and, in furtherance of such crime, did possess a firearm, which was brandished, during the robbery charged in Count One of this Complaint.

(Title 18, United States Code, Section 924(c)(1)(A)(ii).)

COUNT THREE

(Hobbs Act Robbery)

3. On or about March 18, 2023, in the Southern District of New York and elsewhere, GIANCARLO GARCIA, the defendant, knowingly committed robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, GARCIA robbed an A-Plus convenience store in Central Valley, New York.

(Title 18, United States Code, Section 1951.)

COUNT FOUR

(Firearms Offense)

4. On or about March 18, 2023, in the Southern District of New York and elsewhere, GIANCARLO GARCIA, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Three of this Complaint, knowingly used and carried a firearm, and, in furtherance of such crime, did possess a firearm, which was brandished, during the robbery charged in Count Three of this Complaint.

(Title 18, United States Code, Section 924(c)(1)(A)(ii).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

FIRST ROBBERY

5. Based on my participation in this investigation, my discussions with other members of law enforcement, and my review of video surveillance footage and audio and police records, I know the following about the robbery of a convenience store at a Shell gas station (the "Shell Store") located at on Innis Avenue in the Town of Poughkeepsie, New York, that took place on or about March 18, 2023:

a. Surveillance footage shows that, shortly after approximately 2:00 a.m., a light-tan Chrysler Town and Country minivan (the "Minivan") pulled up to and parked in the parking lot of the Innis Food Mart, located on Innis Avenue, next door to the Shell Store. At approximately 2:06 a.m., after exiting the Minivan, a man entered the Shell Store wearing light-colored, camouflage-printed pants, a Pittsburgh Penguins hoodie with distinctive white stripes on the arms, and a Pittsburgh Penguins hat. Shortly thereafter, the man pointed a long-barreled revolver at the cashier.

b. The man is heard on an audio recording from inside the store asking the cashier for cigarettes and, later, threatening the cashier that the man will harm the cashier if the cashier does not give him cash. The man spoke with a heavy Hispanic accent.

c. The man's face is visible in surveillance footage, which shows that the man has light skin and facial hair consistent with a thin goatee.

d. At approximately 2:26 a.m., the man left the Shell Store and departed the scene in the Minivan.

e. I have reviewed reports prepared by the Town of Poughkeepsie Police Department which show that the man took approximately \$1,000 and a black lock box during this robbery.

TRAFFIC STOP BETWEEN ROBBERIES

6. Based on my participation in this investigation, my discussions with other members of law enforcement, and my review of police body camera footage and other police records, I know the following about a traffic stop that took place on or about March 18, 2023:

a. At approximately 5:37 a.m., a New York State Police officer (the "Officer") observed a vehicle bearing Pennsylvania license plates ending in 9390-registered to GIANCARLO GARCIA, the defendant, and matching the color, make, and model of the Minivan—engage in several traffic infractions, including running a red light and making an unsafe turn.

b. The Officer initiated a traffic stop (the "Traffic Stop") near exit 18 of the New York State Thruway.

c. The Officer's body camera footage shows that the driver of the vehicle was a light-skinned, Hispanic male with a thin goatee, wearing what appeared to be the same, light-tan, camouflage-pattern pants worn in the robbery described above.¹ The driver also is clearly audible in the body camera footage and sounds like the same person who was recorded threatening the cashier in the robbery described above, with a heavy Hispanic accent.

d. By comparing the driver's appearance to the driver's license photo provided during the Traffic Stop and matching the information on the driver's license to a Department of Motor Vehicles ("DMV") license database, the Officer identified the driver as GIANCARLO GARCIA.

e. Based on my review of the Shell Store robbery surveillance video described above, the police body camera footage of the Traffic Stop, and DMV records for GIANCARLO GARCIA, I believe the man who robbed the Shell Store is GIANCARLO GARCIA.

f. Unaware that GARCIA was involved in the Shell Store Robbery, at approximately 5:48 a.m., the Officer issued citations to GARCIA for traffic infractions and released GARCIA.

SECOND ROBBERY

7. Based on my participation in this investigation, my discussions with other members of law enforcement, and my review

¹ The body camera footage shows that the driver was wearing a white tank top, rather than the Pennsylvania Penguins hoodie and hat worn in the Shell Store robbery and the robberies described below. Given my training and experience and the context in which the body camera footage was recorded, I believe the driver may have removed his hoodie and hat after the Shell Store robbery.

of surveillance footage, I know the following about the robbery of an A-Plus convenience store (the "A-Plus") located on Route 32, Central Valley, New York—approximately thirty-three miles from the scene of the traffic stop described above—that took place on or about March 18, 2023:

a. Video surveillance footage appears to show that, at approximately 6:40 a.m., a vehicle of the same color, make, and model as the Minivan pulled into the parking lot of ASAP Mortgage, located next door to the A-Plus, on Route 32 in Central Valley. Moments later, a man matching the description of GIANCARLO GARCIA, the defendant, entered the A-Plus, wearing what appears to be the same light-colored, camouflage-printed pants, Pittsburgh Penguins hoodie with distinctive white stripes on its arms, and Pittsburgh Penguins hat worn during the robbery of the Shell Store described above. The man milled about the A-Plus for several minutes before approaching and pointing a large-barreled revolver at the cashier.

b. According to the cashier, who was interviewed after the robbery, the man demanded cash, which the cashier provided to the man.

c. The man's face is visible in surveillance footage, which shows that the man has light skin and facial hair consistent with a thin goatee.

d. At approximately 6:45 a.m., the man departed the scene in the vehicle matching the appearance of the Minivan.

e. According to the cashier and police reports I have reviewed, the man robbed the A-Plus of \$960 in cash, dozens of cigarette boxes, and other merchandise.

f. Based on my review of the Shell Store robbery surveillance video, the police body camera footage of the Traffic Stop, DMV records for GARCIA, and the A-Plus robbery surveillance video, I believe the A-Plus robber is GARCIA.

THIRD ROBBERY

8. Based on my participation in this investigation, my discussions with other members of law enforcement, and my review of surveillance footage, I know the following about the robbery of an ismokenvape shop (the "Smoke Shop") located on William Penn Highway in Easton, Pennsylvania that took place on or about March 18, 2023:

a. Surveillance footage that law enforcement has reviewed from the strip mall where the Smoke Shop was located shows that, at approximately 9:50 a.m., a vehicle of the same color, make, and model as the Minivan pulled into the parking lot of the that strip mall. Moments later, a man matching the appearance of GIANCARLO GARCIA, the defendant, exited the vehicle and entered the Smoke Shop, wearing what appear to be the same light-colored, camouflage-printed pants, Pittsburgh Penguins hoodie with distinctive white stripes on its arms, and Pittsburgh Penguins hat worn during the robberies of the Shell Store and A-Plus described above. Shortly thereafter, the man approached and pointed a large-barreled revolver at the cashier.

b. According to the cashier, the man demanded cash and the cashier's iPhone, which the cashier provided to him.

c. At approximately 10:05 a.m., the man departed the scene in the vehicle matching the appearance of the Minivan.

d. Palmer Township Police Department records I have reviewed show that, in addition to the iPhone, the man robbed the cashier and Smoke Shop of \$800-1,000 in cash, the cashier's driver's license, and various items of merchandise in this robbery.

e. The Smoke Shop cashier was able to track the location of his stolen iPhone using his Apple ID. Apple ID indicates that, at approximately 6:00 p.m. on March 21, 2023 and 8:00 a.m. on March 22, 2023, the iPhone was located in the vicinity of an address on Parrish Street in Wilkes Barre, Pennsylvania—very close to an address which is listed in United States Postal Service ("USPS") records as a prior address for a GIANCARLO GARCIA. That address was listed as GARCIA's current address until August of 2022, and as described in further detail below, GARCIA was identified inside that address on or about March 22, 2023 by Wilkes Barre Police Department (the "WBPD").

f. Based on my review of the Shell Store robbery surveillance video, the police body camera footage of the Traffic Stop, DMV records for GARCIA, the A-Plus robbery surveillance video, surveillance stills of the Smoke Shop robbery, the location of the Smoke Shop cashier's stolen iPhone provided by Apple ID, and Postal Service records placing that iPhone near a recent prior address of GARCIA, I believe the Smoke Shop robber is GARCIA.

THE DEFENDANT'S ADDRESS

9. Based on my participation in this investigation and my discussions with other members of law enforcement, I know that, on or about March 22, 2023, at approximately 10:50 p.m., officers of the WBPD observed a van matching the description of the Minivan, bearing the same license plate as the vehicle involved in the Traffic Stop, parked on Parrish Street in Wilkes Barre, Pennsylvania—at the address listed as a prior address of GIANCARLO GARCIA, the defendant, in USPS records, in the vicinity where Apple ID placed the Smoke Shop cashier's stolen iPhone on or about that morning and the prior evening. While the WBPD officers were inspecting the vehicle, a man matching GARCIA's description, located inside the Parrish Street address, opened a window and shouted, in sum and substance and in part—That's my car!—in a voice and accent matching those of the A-Plus robber and the driver who was pulled over in the Traffic Stop. Law enforcement officers later identified the man as GARCIA by comparing body camera footage of the WBPD officers with a known photo of GARCIA. Based on this late-night encounter and the USPS records identifying the Parrish Street address as GARCIA's prior address, I believe that GARCIA currently resides at the Parrish Street address.

THE DEFENDANT'S IDENTITY

10. The three robberies described above share the following characteristics: (1) they were committed on the same day, within hours of each other; (2) they were committed by a man driving a vehicle of the same color, make, and model; (3) they were committed by a man wearing the same light-colored, camouflage-printed pants, Pittsburgh Penguins hoodie with distinctive white stripes on its arms, and Pittsburgh Penguins hat; and (4) they were committed by a man who brandished a distinctive, long-barreled revolver. Accordingly, there is probable cause to believe all three robberies were conducted by the same man.

11. There is also probable cause to believe that all three robberies were committed by GIANCARLO GARCIA, the defendant, because: (1) GARCIA was identified as the man pulled over in the Traffic Stop, which occurred between the first and second robberies and close in time and place to the second robbery; (2) GARCIA was driving a vehicle matching the description of the Minivan during the Traffic Stop; (3) GARCIA was wearing what appeared to be the same pants as the robber during the Traffic Stop; (4) GARCIA's voice as recorded during the Traffic Stop

matches the voice of the robber as recorded during the Shell Store robbery; and (5) Apple ID indicates that the Smoke Shop cashier's stolen iPhone was at an address recently listed as GARCIA's address in United States Postal Service records after the Smoke Shop robbery, where GARCIA was identified on or about the night of March 22, 2023.

WHEREFORE, the deponent respectfully requests that GIANCARLO GARCIA, the defendant, be arrested, and that they be imprisoned or bailed, as the case may be.

/s/ Jeffrey G. Blanchard, Jr. by JCM w/permission
JEFFREY G. BLANCHARD, JR.
SPECIAL AGENT
Federal Bureau of Investigation

Sworn to before me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rule of Criminal Procedure 4.1 this 23rd day of March, 2023

Judith C. McCarthy

THE HONORABLE JUDITH C. McCARTHY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK